

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 202200576	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/25/2022 11:25 PM	Location of Incident: 75th Precinct stationhouse	18 Mo. SOL 7/25/2023	Precinct: 75		
Date/Time CV Reported Tue, 01/25/2022 11:52 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/28/2022 12:13 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Matthew Bessen	14934	967774	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Alfredo Vallegonzalez	26408	965589	075 PCT
2. PO Sean Bauer	06919	954533	075 PCT
3. SGT Krystle Kingston	01751	948177	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Matthew Bessen	Discourtesy: Police Officer Matthew Bessen spoke discourteously to § 87(2)(b)	
B . PO Matthew Bessen	Discourtesy: Police Officer Matthew Bessen spoke discourteously to an individual.	
C . PO Matthew Bessen	Discourtesy: Police Officer Matthew Bessen spoke discourteously to § 87(2)(b)	
D . PO Matthew Bessen	Force: Police Officer Matthew Bessen used physical force against § 87(2)(b)	
E . PO Matthew Bessen	Discourtesy: Police Officer Matthew Bessen spoke discourteously to § 87(2)(b)	
F . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen threatened § 87(2)(b) with the use of force.	
G . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen refused to provide his name to § 87(2)(b)	
H . PO Matthew Bessen	Abuse: Police Officer Matthew Bessen refused to provide his shield number to § 87(2)(b)	

Case Summary

On January 25, 2022, § 87(2)(b) filed this complaint with the IAB. This complaint was received at the CCRB on January 28, 2022.

On January 25, 2022, at approximately 11:25 p.m., § 87(2)(b) a music management company owner, and his client, § 87(2)(b) visited the 75th Precinct stationhouse. As PO Matthew Bessen of the 75th Precinct was returning property to § 87(2)(b) they argued about whether § 87(2)(b) cellphone, confiscated during § 87(2)(b) arrest on January 23, 2022, could be returned. PO Bessen allegedly called § 87(2)(b) and an unknown individual, who was also retrieving property, “assholes” (**Allegation A: Discourtesy**, § 87(2)(g) and **Allegation B: Discourtesy**, § 87(2)(g) PO Bessen asked the unknown individual to leave the stationhouse. PO Bessen then allegedly told § 87(2)(b) “Better yet. You would get the fuck out too. You ain’t go no fucking business here either.” PO Bessen allegedly told § 87(2)(b) to “Get the fuck out” (**Allegation C: Discourtesy**, § 87(2)(g) When § 87(2)(b) asked PO Bessen for an explanation, PO Bessen allegedly pushed § 87(2)(b) toward the exit. Once § 87(2)(b) was outside the stationhouse, PO Bessen allegedly pushed § 87(2)(b) (**Allegation D: Force**, § 87(2)(g) PO Bessen allegedly told § 87(2)(b) “You better take a fucking walk before I tase you” (**Allegation E: Discourtesy**, § 87(2)(g) and **Allegation F: Abuse of Authority**, § 87(2)(g) § 87(2)(b) allegedly asked PO Bessen for his name and shield number. PO Bessen allegedly walked away from § 87(2)(b) without providing his name and shield number (**Allegations G and H: Abuse of Authority**, § 87(2)(g) § 87(2)(b)

The investigation received stationhouse surveillance footage from the 75th Precinct.

The investigation did not receive BWC footage pertaining to this incident.

§ 87(2)(b) was not arrested or issued summonses regarding this incident.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Matthew Bessen spoke discourteously to § 87(2)(b)

Allegation (B) Discourtesy: Police Officer Matthew Bessen spoke discourteously to § 87(2)(b)

Surveillance footage from camera # 2 for the lobby of the 75th Precinct captures PO Bessen behind the property desk speaking to an unknown individual and § 87(2)(b) a Black male wearing a long coat, baseball cap, and Gucci face mask. The footage depicts PO Bessen, a white male with blonde hair and beard, stepping into the lobby and appearing to direct an unknown Black male with a black jacket and green hood out of the stationhouse. Another individual in a green camouflage jacket, possibly § 87(2)(b) is present [**Board Review 01, timestamps 00:00 to 00:42**].

§ 87(2)(b) stated that he accompanied § 87(2)(b) to the stationhouse, where § 87(2)(b) was retrieving property from PO Bessen. PO Bessen told § 87(2)(b) that he could not get his cellphone because it was arrest evidence. An unknown male individual who was arrested on January 23, 2022 was also present at the stationhouse to retrieve property. PO Bessen called § 87(2)(b) and the unknown individual “assholes” [**Board Review 02**].

During attempts to reach the unknown individual, the investigation contacted § 87(2)(b) who was also at the stationhouse to retrieve her cellphone after her arrest. She stated that she was at the stationhouse with unknown people who were trying to retrieve their coats and cellphones. § 87(2)(b) did not recall any officer using any profanity to any of the people in the stationhouse [**Board Review 18**].

The investigation was unable to reach § 87(2)(b) for a statement. Attempts to reach § 87(2)(b) through potential points of contact found through exhaustive database searches were unsuccessful.

In addition, the investigation was unable to reach the unidentified victim. The investigation conducted the following investigative steps to identify the unknown victim. A search of the NYPD's Booking Arraignment Disposition System (BADS) for arrests by PO Bessen on January 23, 2022, indicated that, aside from one individual, § 87(2)(b) the arrests were sealed, and the investigation was unable to review the arrest reports or arrest photographs to determine whether any of the arrested individuals resembled the physical description of the unidentified victim. The investigation reviewed the Command Log entries for January 23, 2022 from the 75th Precinct and located the following individuals who were arrested by PO Bessen: § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b). The investigation attempted to reach them by mail and telephone. On March 7, 2023, § 87(2)(b) § 87(2)(b) called the undersigned after receiving a letter and stated that her partner, § 87(2)(b) informed her that he visited the 75th Precinct stationhouse to retrieve his phone and confirmed that § 87(2)(b) partially fit the description of the unidentified victim, a 5' 11" tall black male with a light complexion and beard. § 87(2)(b) § 87(2)(b)

PO Bessen testified that individuals who had been arrested on January 23, 2022 were at the stationhouse to retrieve property at various times. When § 87(2)(b) went to retrieve his cell phone with § 87(2)(b) PO Bessen informed § 87(2)(b) that he could not get his cellphone back because it was part of an investigation. § 87(2)(b) was upset because he wanted his cellphone back. PO Bessen did not recall calling § 87(2)(b) an "asshole" [Board Review 03].

PO Vallegonzalez, who was assigned to a transit post, testified that PO Bessen was assisting § 87(2)(b) with retrieving property. § 87(2)(b) and § 87(2)(b) were frustrated they were not getting a cellphone back. He did not recall PO Bessen calling § 87(2)(b) an "asshole" [Board Review 04].

Assigned to lieutenant operator, PO Bauer provided testimony that was consistent with PO Bessen. PO Bauer did not recall PO Bessen using any profanity to any civilian [Board Review 05]

Although § 87(2)(b) alleged that PO Bessen called an unknown individual and § 87(2)(b) "assholes," the investigation was unable to obtain statement a from § 87(2)(b) or positively identify the second individual. PO Bessen did not recall telling any of the people who returned to the stationhouse to retrieve their property "assholes." Stationhouse surveillance footage depicts an interaction occurring but does not capture the audio of these interactions. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (C) Discourtesy: Police Officer Matthew Bessen spoke discourteously to § 87(2)(b)

75th Precinct stationhouse lobby footage from camera # 1 [Board Review 06, timestamps 00:00 to 01:48] captures § 87(2)(b) standing near an unknown individual with a black hooded sweatshirt and a light green camouflage jacket. § 87(2)(b) looks at his phone. PO Bessen and several officers enter the lobby. PO Bessen points toward the exit and appears to direct the individual with a green hood and scarf out of the stationhouse. § 87(2)(b) turns in the direction of the exit. The individual in the camouflage jacket and the individual in the green hood leave the stationhouse. PO Bessen returns to the lobby and walks past § 87(2)(b) PO Bessen goes through a door momentarily and then returns to the lobby. PO Bessen appears to speak to § 87(2)(b) while pointing toward the exit. PO Bessen points toward the exit again while approaching § 87(2)(b) While standing close to § 87(2)(b) PO Bessen points toward the exit four times. § 87(2)(b) walks toward the first set of double doors. During the interaction, five officers are close by, appearing to watch the interaction.

§ 87(2)(b) stated that after PO Bessen told an unknown individual to leave the

stationhouse, PO Bessen walked up to § 87(2)(b) who was not doing anything but standing by the property window. PO Bessen told § 87(2)(b) “Better yet. You would get the fuck out too. You ain’t got no fucking business here either. PO Bessen told § 87(2)(b) to “Get the fuck out.” § 87(2)(b) asked for an explanation. PO Bessen said, “Because I said so. Get out of the building.” § 87(2)(b) who was not yelling, continued to ask for an explanation. § 87(2)(b) did not initially leave and continued to speak to PO Bessen [Board Review 02].

PO Bessen testified that when § 87(2)(b) realized that § 87(2)(b) was not getting his cellphones back, § 87(2)(b) told PO Bessen that he was § 87(2)(b) attorney and that § 87(2)(b) better get his property back. PO Bessen asked § 87(2)(b) to identify himself. § 87(2)(b) said that it was none of PO Bessen’s business. PO Bessen asked § 87(2)(b) if he had business at the stationhouse. § 87(2)(b) said that he was § 87(2)(b) attorney. PO Bessen asked § 87(2)(b) to provide identification. § 87(2)(b) refused and became irate and was raising his voice. PO Bessen did not recall what § 87(2)(b) said. PO Bessen asked § 87(2)(b) to leave multiple times. § 87(2)(b) would not leave. § 87(2)(b) told PO Bessen, “If you touch me, I’ll fuck you up.” PO Bessen told § 87(2)(b) that he did not have any lawful business in the stationhouse. He might have used profanity during this heated and hostile situation. He did not recall, however [Board Review 03].

PO Vallegonzalez testified that § 87(2)(b) and § 87(2)(b) argued with PO Bessen about the return of § 87(2)(b) phone. After the conversation appeared to be going nowhere, PO Bessen asked them to leave. § 87(2)(b) became upset and loud. PO Vallegonzalez did not recall PO Bessen using any profanity to § 87(2)(b) in the stationhouse [Board Review 04].

PO Bauer overheard an argument between § 87(2)(b) § 87(2)(b) and PO Bessen. PO Bauer did not recall any statements, but voices were raised. PO Bauer did not recall PO Bessen using profanity to § 87(2)(b) [Board Review 05].

NYPD Administrative Guide 304-11 indicates that members of service must interact with members of the public in a professional manner [Board Review 07]. DAO-DCT Case Number 2018-18951 [Board Review 08] states that profane remarks made during stressful, violent confrontations or while an officer is trying to gain control of a chaotic situation, are not misconduct.

Stationhouse footage depicts PO Bessen and § 87(2)(b) speaking to one another. PO Bessen gestures for § 87(2)(b) to leave, pointing toward the exit. § 87(2)(b) alleged that PO Bessen used profanity while telling him to leave, and PO Bessen acknowledged that he might have used profanity. § 87(2)(g)

§ 87(2)(b) This interaction was neither chaotic nor stressful given that PO Bessen was near five officers and § 87(2)(b) did not appear to be doing anything other than speaking to PO Bessen. § 87(2)(g)

Allegation (D) Force: Police Officer Matthew Bessen used physical force against § 87(2)(b).

Allegation (E) Discourtesy: Police Officer Matthew Bessen spoke discourteously to § 87(2)(b).

Allegation (F) Abuse of Authority: Police Officer Matthew Bessen threatened § 87(2)(b) with the use of force.

75th Precinct stationhouse lobby footage from camera 1 [Board Review 06, timestamps 01:10 to 01:47] captures PO Bessen pointing multiple times toward the exit of the stationhouse, appearing to instruct § 87(2)(b) to leave. § 87(2)(b) walks into the vestibule, and PO Bessen follows. They appear to speak in the vestibule. PO Bessen raises his hand chest-level. PO Bessen appears to push § 87(2)(b) by the lower chest area. § 87(2)(b) takes a step back, opening the door with his back. It is unclear whether § 87(2)(b) made contact with PO Bessen given that the view is obscured somewhat by a NYPD logo on the glass door. PO Bessen steps

closer to § 87(2)(b) who appears to leave the stationhouse.

75th Precinct stationhouse external footage from camera 1 [Board Review 09, timestamps 00:00 to 00:48] captures the view from the exterior of the stationhouse. § 87(2)(b) appears to open the door with his back. He appears to speak to PO Bessen (he is out of camera view) inside the vestibule. PO Bessen comes closer to § 87(2)(b) who is standing with his back to the entrance door. PO Bessen, with his right hand, pushes § 87(2)(b). § 87(2)(b) left hand appears to push PO Bessen's right hand away. PO Bessen unholsters his taser and raises it waist-level, then lowers it. Additional officers, including PO Vallegonzalez and PO Bauer, follow PO Bessen and § 87(2)(b) outside.

§ 87(2)(b) stated that after PO Bessen told him to "Get the fuck out" the stationhouse, § 87(2)(b) continued to ask for an explanation. PO Bessen told him to get out and walked up to § 87(2)(b) and pushed § 87(2)(b) by his chest. § 87(2)(b) backed up. § 87(2)(b) told PO Bessen to not put his hands on him. § 87(2)(b) began walking out of the stationhouse. PO Bessen said, "Or else." § 87(2)(b) stopped by the front door and said, "Or else what?" § 87(2)(b) walked into the vestibule. PO Bessen walked up to § 87(2)(b) and said, "Are you bucking up on me, boy?" § 87(2)(b) asked what PO Bessen was talking about. PO Bessen told § 87(2)(b) to get out of here. He used two hands to push § 87(2)(b) again by his abdomen. § 87(2)(b) anticipated the push and his left hand with force to push one of PO Bessen's hands to the side, causing § 87(2)(b) and PO Bessen to move backwards simultaneously. Outside the stationhouse, PO Bessen drew his taser and pointed it at § 87(2)(b) face and said, "You better take a fucking walk before I tase you." § 87(2)(b) asked him to explain what he did wrong [Board Review 02].

PO Bessen testified that after he told § 87(2)(b) multiple times to leave, he escorted § 87(2)(b) by motioning and pointing and telling him to leave. § 87(2)(b) became louder and irater. § 87(2)(b) initially stood his ground and was not leaving. He eventually went outside. When asked how § 87(2)(b) left, PO Bessen stated that he got closer to § 87(2)(b) until they were almost touching. § 87(2)(b) started to back up. PO Bessen might have guided § 87(2)(b) by putting his hand up. § 87(2)(b) might have stepped closer, and PO Bessen created some distance. § 87(2)(b) was a safety risk given his hostility: he was close to § 87(2)(b) and irate. PO Bessen denied telling § 87(2)(b) "You better fucking walk before I tase you." He did not recall drawing his taser [Board Review 03].

During his interview, PO Bessen was presented with lobby surveillance footage from camera 1 [Board Review 06, timestamps 01:38 to 01:47]. PO Bessen was asked whether he pushed § 87(2)(b). PO Bessen stated that he guided § 87(2)(b). § 87(2)(b) pushed PO Bessen's hands away, striking him by his hands and wrist. § 87(2)(b) stepped back. § 87(2)(b) opened the door with his back as he was stepping away from PO Bessen. PO Bessen acknowledged that his right hand was extended as a guiding motion. PO Bessen did not recall whether § 87(2)(b) struck PO Bessen first or PO Bessen made contact to guide him [Board Review 03].

PO Bessen was also presented with stationhouse exterior footage from camera 1 [Board Review 09, timestamps 00:00 to 00:48]. When asked whether he pushed § 87(2)(b) PO Bessen said he was guiding § 87(2)(b) out and creating distance because § 87(2)(b) was close to him and in PO Bessen's personal space. PO Bessen acknowledged pushing § 87(2)(b) back to create space. § 87(2)(b) smacked PO Bessen's hands away. PO Bessen drew his taser but did not point it at § 87(2)(b). He drew his taser to protect himself and the other officers from § 87(2)(b) increased physical violence [Board Review 03].

PO Vallegonzalez testified that § 87(2)(b) was upset PO Bessen told him to leave. § 87(2)(b) spoke loudly and was irate. PO Vallegonzalez was not sure whether § 87(2)(b) walked out of the stationhouse or was guided out. He did not recall PO Bessen pushing § 87(2)(b) toward exit of the stationhouse. PO Vallegonzalez did not recall PO Bessen saying, "You better fucking walk before I tase you" and did not recall PO Bessen pointing his taser at § 87(2)(b).

§ 87(2)(b) During his interview, PO Vallegonzalez was presented with footage from stationhouse exterior camera 1 [Board Review 09, timestamps 00:23 to 00:29]. PO Vallegonzalez stated that PO Bessen shoved § 87(2)(b). When he was asked about any safety concerns present when PO Bessen drew his taser, PO Vallegonzalez explained that § 87(2)(b) appeared as though he was tensing his upper body and that the officers did not know what § 87(2)(b) possessed. PO Vallegonzalez did not recall PO Bessen saying he would use the taser on § 87(2)(b) or using any profanity outside the stationhouse [Board Review 04].

PO Bauer overheard an argument in the stationhouse. He did not recall any statements between § 87(2)(b) and PO Bessen. They were arguing about the release of property. PO Bauer did not recall PO Bessen physically interacting with § 87(2)(b). PO Bauer did not see PO Bessen point his taser at § 87(2)(b). PO Bauer did not hear PO Bessen say, “You better fucking walk before I tase you.” During his interview, PO Bauer was presented with footage from the stationhouse exterior camera 1 [Board Review 09, timestamps 00:23 to 00:30]. PO Bauer did not recall PO Bessen drawing his taser. PO Bauer’s attention was on § 87(2)(b). PO Bauer did not see any physical actions from § 87(2)(b) that would have warranted the taser being drawn [Board Review 05].

NYPD Patrol Guide Procedure 221-01 provides members of service with guidelines on the use of force. In situations in which de-escalation techniques to gain voluntary compliance are not safe or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. In determining whether the use of force is reasonable, MOS should consider the following factors. These factors include, but are not limited to, the nature and severity of the circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, members of service and/or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight [Board Review 10].

NYPD Patrol Guide Procedure 221-08 provides members of service with guidelines on the use of a conducted electrical weapons (CEW). It is noted that a CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It is also prohibited to use a CEW in situations that do not require the use of physical force [Board Review 19].

As captured in stationhouse footage, PO Bessen appears to use his right hand to push § 87(2)(b) out of the second set of double doors. The interaction continues outside, where PO Bessen pushes § 87(2)(b) again by his chest while § 87(2)(b) appears to push PO Bessen’s hand away. With several officers present, PO Bessen draws his taser.

When PO Bessen pushed § 87(2)(b) in the vestibule, § 87(2)(b) appeared to be continuing the conversation despite being instructed to leave, § 87(2)(g). However, PO Bessen pushes § 87(2)(b) a second time outside the stationhouse. § 87(2)(g)

Although § 87(2)(b) alleged that PO Bessen used profanity while threatening to use his taser, PO Bessen denied doing so. PO Vallegonzalez did not recall PO Bessen saying, “You better walk before I fucking tase you,” and PO Bauer denied hearing PO Bessen making that statement.

§ 87(2)(g)

Moments prior to PO Bessen drawing his taser, § 87(2)(b) pushed PO Bessen’s hand away after PO Bessen pushed § 87(2)(b) by the chest. When the taser was drawn, PO Bessen was accompanied by additional officers. Other than deflecting PO Bessen’s push, § 87(2)(b) did not appear to be taking any actions that could pose a threat to PO Bessen other than previously failing to comply with an order to leave the premises, a form of passive resistance. After reviewing

footage, PO Bauer indicated that he did not see any actions by § 87(2)(b) that warranted PO Bessen drawing his taser. § 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Matthew Bessen refused to provide his name to § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Matthew Bessen refused to provide his shield number to § 87(2)(b)

75th Precinct stationhouse external footage from camera 2 [Board Review 11, timestamps 00:00 to 01:11] shows more than ten officers outside as PO Bessen and § 87(2)(b) appear to speak. Most of the officers, including PO Bessen, go back inside the stationhouse. Sgt. Kingston remains outside, holding the door open. She appears to speak to § 87(2)(b) and then goes inside as well.

§ 87(2)(b) stated he noticed Sgt. Krystle Kingston outside among several officers. § 87(2)(b) asked Sgt. Kingston for PO Bessen's name and shield number. He also asked PO Bessen for his name and shield number twice. PO Bessen walked into the stationhouse without providing his name and shield number. § 87(2)(b) again asked Sgt. Kingston for PO Bessen's name and shield number. She said she would return. She went into the stationhouse and later provided § 87(2)(b) with a piece of paper containing PO Bessen's name and shield number [Board Review 02].

PO Bessen testified that § 87(2)(b) likely asked for PO Bessen's name and shield number. PO Bessen denied refusing to provide his name and shield number. PO Bessen provided his name and shield number [Board Review 03].

Sgt Kingston confirmed that § 87(2)(b) asked her for PO Bessen's name. Sgt. Kingston told § 87(2)(b) she would get him PO Bessen's name and shield number, and she provided PO Bessen's information to § 87(2)(b). Sgt. Kingston did not hear § 87(2)(b) ask PO Bessen for his name and shield number [Board Review 12].

Although § 87(2)(b) alleged that PO Bessen walked away without providing his name and shield number, PO Bessen testified that he provided his name and shield number upon request. Sgt. Kingston also testified that she did not see PO Bessen walk away without providing his name and shield number to § 87(2)(b) § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b) does not have any prior CCRB complaints [Board Review 14].
- PO Matthew Bessen has been a member-of-service for three years and has been a subject in six CCRB complaints and 12 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

